

Special Meeting of Mayor and Council September 11, 2023
Town Hall Council Chambers, 100 Central Avenue
Closed Session 6:30
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilperson:
Furgione - Present
Gribbin – Present
Oliva - Present
R.Rodio- Present
S. Rodio – Present
Wuillermin - Present
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese, Public Works Manager

EXECUTIVE SESSION Resolution #123-2023

Motion by Council Person Gribbin Second Oliva
Enter into Executive Session

Motion by Council Person R.Rodio Second S. Rodio
Close Executive Session

RESUME REGULAR MEETING-ROLL CALL

Councilperson:
Furgione - Present
Gribbin – Present
Oliva - Present
R.Rodio- Present
S. Rodio – Present
Wuillermin - Present
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Mark Herrmann – Town Engineer ARH
Bob Vettese, Public Works Manager

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers. Please familiarize yourselves with the fire exits to the right and rear of the Council Chambers. Please do not proceed beyond the front benches without invitation from the Mayor to do so. Also, each person who wishes to address Council will be allotted 5 minutes.

PLEDGE OF ALLEGIANCE

Presentation-

Ashley Walsh from Garden Organics- She gave background on her company. They are a grower of Cannabis. The product is grown indoors. They also produce Hemp and they ship from the location to dispensary in NJ. The Town would receive 2% of gross sales yearly. They anticipate generating \$200,000 to \$500,000 in revenue once the entire operation is up and running.

- A long discussion ensued regarding the process, odor from product and security of the building.

PUBLIC HEARD FOR AGENDA ACTION ITEMS

Public Heard on the Cannabis presentation

- **Susanne Cruz 232 S. Washington Ave** – What location is this prospective business going to be located? 897 12th Street.
- **Debbie White 105 Valley Ave-** had a question regarding lung damage that maybe caused by the product.
- **Edwin Negrone 217 Cottage Ave-** Concerned if there was a power outage at the building, what would happen to keep smell out of air.

Public Heard on Lake Park Issue

- **Mayor and Council** - explained the process that we are following and the report that we received from our professional.
- **Mark Herrmann of ARH-** explained where the spraying would occur. We need to give plan to pinelands and get approval to spray in 2024
- **Dave Crescenzo 51 Waterfront Way-** Will spraying be done this year? Can there be a 3 year plan. Spray every year?
- **Dan Bachalis 115 Bachelor Lane-** Spoke about report given to Town about the spraying and the solution is great. Bladderwort grows from the Bottom of the lake and it substance at the top of the lake is from the break off of the top of the bladderwort. The lower of the lake doesn't affect the bladderwort. Dan asked if council could hold off on voting on the plan until the commission can look it over and give their approval.
- **Joe Caruso 52 Main Road-** Who owns the part of the lake where the protected bladderwort is located? If we spray only 50% in 2025 and 2025 what amount of the bladderwort will come back?
- **Dave Crescenzo 51 Waterfront Way** – Can we just spray 100% of the lake and then the next time we spray 50%?
- **Bill Parkhurst 890 Central Ave-** Our revised Lake Management plan in 2018, allows to spray the entire lake. We should spray the entire lake.

Motion by Council Person S. Rodio Second Furgione

Approval to move forward with the Lake spraying and submit report to DEP and Pinelands, have zoom meeting with Pinelands and Spray as much of the lake as possible and Hold report until Wednesday for Environmental Commission to look at.

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Yes

R. Rodio- Yes

S. Rodio – No

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Heard on Ord 13-2023 Sleeping in public places-

- **Stacy Cornelius 2210 West Coat Ave-** Issue with individuals sleeping in Town. Spoke about the broken window theory. She goes to the gym and the homeless are there bother people. Small crimes invite large crimes.
- **Beverly Cornelius Salon Avanti 101 12thStreet-** Spoke about the issues of the homeless. They slept on her front steps of her business.
- **Susanne Cruz 232 S. Washington Street -** She is a mental health professional had a man standing in front of her house for 6 hours. Issue at the lake and downtown. She doesn't feel safe in her own town.
- **Greg White 105 Valley Ave-** Vets Park and the Historical Society Bldg are a place where they hang out all the time. There is one person there all the time yelling at the church.
- **Tiffany pasture at the Church on Vine Street-** Received a phone call about the gentleman that is on the street at night and yells at the church. This is an issue but thee people are human beings. We need try and help them.
- **Lisa Campione 17 Marlyn Ave-** The homeless are people also. They may have issues but they need help. She has never been threatened by any of them.
- **Mimi Vaccarella 458 Bellevue Ave -** The issue at Vets Park is affecting the school. It is in close proximity to the school and this is an issue for our student's safety.
- **Councilmen Oliva -** 1st step is tonight to pass this ordinance. Would like to create a committee to make sure we put this issue at the top of the issues here in Town.
- **Tony Sbarra 270 Messina Ave -** This is an issue throughout the Town. People need help. If you issue a ticket they are out the next day. We need to try and do something to keep our Town clean and beautiful.
- **Joshua Trepiccine 104 N. Liberty Street -** Want to work on this issue with the committee. We need to have a goal to reach regarding this issue.
- **Chief Friel -** Spoke about our intent. We don't want to punish people for being homeless. We are trying to get people assistance and help them.
- **Myrna Santiago 1030 Reading Ave-** Wants to be on the Committee. Can we hold off on passing this ordinance tonight? If a citation is given to a person and they do not show up what happens?

DISPENSE WITH REGULAR ORDER OF BUSINESS

Public Hearing of Ordinance #013- 2023 Amend Chapter 202 Section 3

**AN ORDINANCE TO AMEND CHAPTER 202
OF THE GENERAL ORDINANCES OF THE TOWN OF HAMMONTON**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AS FOLLOWS:

SECTION 1. Chapter 202, Section 3, Subsection A, is amended to read as follows:

A. No person shall sleep or camp in or on the street, sidewalks, public pavilions, public parks or other public places in the Town of Hammonton at any time. The term "camp" or "camping" under this Chapter shall mean the use of public property as a temporary or permanent place of dwelling, lodging or residence, or as a living accommodation.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced in and passed the first reading at a meeting of Town Council of the Town of Hammonton, County of Atlantic and State of New Jersey held on August 28, 2023, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Building located at 100 Central Avenue, Hammonton, NJ 08037, on September 11, 2023, at 7:00 PM or as soon thereafter as the matter may be reached.

Motion by Council Person Gribbin Second Oliva
Public Hearing on Ordinance 13-2023

Motion by Council Person Wuillermin Second Furgione
Adopt Ordinance and approval for final publication

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing of Bond Ordinance #016-2023- Highway Building Improvements

BOND ORDINANCE PROVIDING FOR HIGHWAY BUILDING IMPROVEMENTS, BY AND IN THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY; REAPPROPRIATING \$50,000 IN EXCESS BOND AND NOTE PROCEEDS FROM VARIOUS BOND ORDINANCES, NOT NEEDED FOR THEIR ORIGINAL PURPOSE, TO FINANCE THE COSTS THEREOF

WHEREAS, the Town Council of the Town of Hammonton, in the County of Atlantic, State of New Jersey (the “Town”), finally adopted various bond ordinances of the Town, as more fully described in Section 1 herein (collectively, the “Ordinances”); and

WHEREAS, following the effective dates, respectively, of the Ordinances, the Town issued bonds and notes to fully fund same and to finance the improvements or purposes authorized therein; and

WHEREAS, the Town has determined that the capital improvements or purposes set forth in the Ordinances have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinances, as applicable; and

WHEREAS, there currently remains on deposit in the Town’s capital accounts excess bond and note proceeds allocable to the Ordinances (the “Excess Proceeds”), but no longer necessary to complete the improvements or purposes authorized therein; and

WHEREAS, in accordance with the statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”), the Town Council of the Town has determined that it is in the best interest of the Town to reappropriate the Excess Proceeds to finance the costs of Highway Building improvements in and by the Town (the “New Purpose”), for which bonds may be issued, thereby eliminating the need for the Town to incur additional debt to finance such current capital needs; and

WHEREAS, the Town Council of the Town now desires to reappropriate the Excess Proceeds to undertake the New Purpose.

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The following amounts of Excess Proceeds from the Ordinances listed below are no longer necessary for the improvements or purposes for which they were appropriated, authorized and issued:

<u>Bond Ordinance Number and Date of Adoption</u>	<u>Excess Proceeds Amount</u>	<u>Section of Bond Ordinance Reappropriated From</u>
6-2017 finally adopted March 20, 2017	\$ 6,075.39	Section 3(a)
6-2017 finally adopted March 20, 2017	\$17,321.41	Section 3(b)
21-2018, finally adopted June 25, 2018	\$10,926.79	Section 3(b)
26-2018, finally adopted July 23, 2018	\$ 1,399.50	Section 3(a)
7-2019, finally adopted May 20, 2019	\$ 37.58	Section 3(a)
7-2019, finally adopted May 20, 2019	\$ 1,043.00	Section 3(e)
8-2020, finally adopted August 6, 2020	\$10,116.85	Section 3(a)(iv)
2-2022, finally adopted February 28, 2022	\$ 3,079.48	Section 3(a)(ii)
Total:	<u>\$50,000.00</u>	

SECTION 2. The total amount of \$50,000 in Excess Proceeds is hereby reappropriated pursuant to N.J.S.A. 40A:2-39, and shall be used to finance the cost of the undertaking by the Town of general capital improvements or purposes for which bonds may be issued. Said general capital improvements or purposes are set forth in Section 3(a) of this bond ordinance.

SECTION 3. (a) The capital improvements hereby authorized and purposes for which the Excess Proceeds are to be reappropriated is for the New Purpose.

(b) The improvements or purposes set forth above in Section 3(a) shall also include, as applicable, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Atlantic make a contribution or grant in aid to the Town for the improvement or purpose authorized hereby and the same shall be received by the Town, then such funds shall be applied to the payment of debt service on the bonds issued for such improvement or purpose and shall be used for no other improvement or purpose.

SECTION 5. The capital budget or temporary capital budget, as applicable, of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 6. The Town covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bond proceeds reappropriated by this bond ordinance.

SECTION 7. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

Motion by Council Person Oliva Second Wuillermin
Public Hearing on Ordinance 16-2023

Motion by Council Person Wuillermin Second R. Rodio
Adopt Ordinance and approval for final publication

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing of Ordinance #017-2023- Special Emergency Master Plan Update

SPECIAL EMERGENCY MASTER PLAN

**AN ORDINANCE OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY
AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-53 FOR THE
PURPOSE OF PREPARATION OF A MASTER PLAN**

BE IT ORDAINED by the Mayor and Town Council of the Town of Hammonton, in the County of Atlantic and State of New Jersey, that pursuant to *N.J.S.A. 40A:4-53* (ch.48, P.L. 1956 as amended by Ch.144, P.L. 1965 and Ch.38, P.L. 1969), the sum of Forty Thousand Dollars (\$40,000.00) is hereby appropriated for the preparation of a master plan and shall be deemed a special emergency appropriation as defined and provided for in *N.J.S.A. 40A:4-55*.

The authorization to finance the appropriation shall be provided for in the succeeding annual budgets by the inclusion of at least one-fifth (1/5th) of the amount authorized pursuant to this act (*N.J.S.A. 40A:4-55*).

Motion by Council Person Oliva Second Gribbin
Public Hearing on Ordinance 17-2023

Motion by Council Person Oliva Second Gribbin
Adopt Ordinance and approval for final publication

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing of Bond Ordinance #018-2023- Various Improvements

BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, APPROPRIATING \$1,110,787 THEREFOR (INCLUDING A STATE OF NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS 2023 LOCAL RECREATION IMPROVEMENT GRANT IN THE AMOUNT OF \$62,000) AND AUTHORIZING THE ISSUANCE OF \$996,250 IN BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Town of Hammonton, in the County of Atlantic, State of New Jersey (the "Town"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,110,787, which sum includes a grant in the amount of \$62,000 expected to be received from the State of New Jersey Department of Community Affairs 2023 Local Recreation Improvement Grant Program (the "Recreation Grant"), and \$52,537 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Town for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,110,787 appropriation not provided for by application hereunder of the Recreation and said down payments, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$996,250 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Town in a principal amount not exceeding \$996,250 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Purchase and installation of a new telephone system and upgrade of related equipment at Town facilities;	\$50,000	\$47,500	\$2,500	10 years
(ii) Paving and micro-surfacing to various roads located throughout the Town;	\$600,000	\$570,000	\$30,000	10 years
(iii) Various recreation improvements throughout the Town; and	\$75,787 (including the Recreation Grant)	\$13,000	\$787	15 years
(iv) Preliminary planning and design for various parks and recreation improvements and also including necessary equipment and fields related thereto; and	\$325,000	\$308,750	\$16,250	15 years
(v) Purchase of a new 9-1-1 system and computer upgrades.	<u>\$60,000</u>	<u>\$57,000</u>	<u>\$3,000</u>	7 years
TOTALS	\$1,110,787	\$996,250	\$52,537	

(b) The above improvements and purposes set forth in Section 3(a) shall also include, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$996,250.

(d) The aggregate estimated cost of said improvements or purposes is \$1,110,787, the excess amount thereof over the said Recreation Grant and the estimated maximum amount of bonds or notes to be issued therefor, is the aggregate down payments for said purposes in the amount of \$52,537.

SECTION 4. Except for the Recreation Grant, in the event the United States of America, the State of New Jersey and/or the County of Atlantic make a contribution or grant in aid to the Town for the improvements and purposes authorized hereby and the same shall be received by the Town prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount

so received from the United States of America, the State of New Jersey and/or the County of Atlantic. Except for the Recreation Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Atlantic shall be received by the Town after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Town as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Town (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Town. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Town, a revised capital or temporary capital budget for the Town has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Town may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 11.44 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Town and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$996,250 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$222,157 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Town reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term

basis or otherwise set aside by the Town, or any member of the same "Controlled Group" as the Town, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Town's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2.

SECTION 10. The Town covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 11. The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into an appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Motion by Council Person Furgione Second Wuillermin
Public Hearing on Ordinance 13-2023

Motion by Council Person R.Rodio Second Wuillermin
Adopt Ordinance and approval for final publication

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing of Ordinance #019-2023- Authorizing Sale of Town Owned Property

**AN ORDINANCE OF THE TOWN OF HAMMONTON
AUTHORIZING THE SALE OF TOWN OWNED LAND**

WHEREAS, Lot 3 of Block 1602 is owned by the Town of Hammonton and is not needed for public purposes; and

WHEREAS, it is in the best interest of the Town to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, N.J.S.A. 40A:12-13.2 provides in pertinent part that whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, the municipality must accord contiguous property owners the right of first refusal to purchase such land; and

WHEREAS, the Town proposes to offer such right to all contiguous owners and to sell such lands to the highest bidders among the contiguous owners as authorized by N.J.S.A. 40A:12-13(b)(5).

NOW, THEREFORE, BE IT ORDAINED by Council of the Town of Hammonton, County of Atlantic, State of New Jersey, as follows:

1. The Town, subject to the conditions set forth herein, shall offer for sale all of the Town's right, title and interest in and to the following lot pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5):
Block 1602; Lot 3 –149 Golden Eagle Drive – at a minimum amount of \$7,627.00.
2. The minimum bid for the lot is set forth above. No bid less than the minimum amount set forth will be considered.
3. The Town Solicitor is authorized to notify by letter the contiguous owners of record in accordance with the current tax assessments and to advise each such contiguous owner of the lot being offered for sale and that such contiguous owner may bid for such lot in accordance with the terms and conditions set forth herein.
4. The property set forth above is not necessary for public municipal purposes and the best interest of the public shall be served in selling said property to the highest bidder among contiguous owners of record at or above the minimum price set forth above with Town Council reserving the right to accept or reject or otherwise remove any lot from sale. The sale shall take place on Monday, September 25, 2023, at 10:00 AM at the municipal building located at 100 Central Avenue, Hammonton, NJ 08037. Bids shall be received by the Town Clerk in accordance with the procedures to be announced by the Town Clerk.
5. The lot set forth above shall be offered to the contiguous property owners at the minimum price set forth above and shall be sold to the highest bidder from among the adjoining property owners.

6. All bids shall be referred to Town Council for review and final approval pursuant to N.J.S.A. 40A:12-13 and the Town reserves the right to accept the highest bid or to reject any and all bids for any property.

7. The successful bidder shall be responsible for the cost of preparation of the contract of sale, deed of conveyance and any related documents for the transfer of title, not to exceed \$600.00. The balance of the purchase price, together with costs of preparation of the deed of conveyance and related documents for the transfer of title must be paid by certified check, bank check or money order made payable to the Town of Hammonton and provided to the Town of Hammonton within ten (10) days of the date of sale. The successful bidder shall be responsible for the recording of the deed and for the cost of such recording.

8. A bargain and sale deed without covenants shall be delivered at the office of the Town Clerk on or before forty-five (45) days after Council approval of the sale. The Mayor and Town Clerk are hereby authorized to execute said deed and other conveyance documents and the Town Attorney is authorized to prepare such deed and documents.

9. In addition to the terms and conditions set forth herein, the successful bidder agrees to the imposition of the following conditions by the Town:

(a) In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Town any and all monies deposited with the Town.

(b) The Town does not warrant or certify title to the property and in no event shall the Town be liable for any damages to the successful bidder if title is found defective or marketable for any reason, and the bidder waives any and all rights and damages or by way of liens against the Town, the sole remedy of the bidder being the right to receive a refund prior to closing of title of the deposit paid. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Town shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.

(c) The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Town of Hammonton, and the reservation of an easement for all natural constructive drainage systems, swales, pipes, drains, inlets, waterways and other easements, if any, on the land and a continued right of maintenance and flow thereof. The Town shall be without obligation to provide access, public or private, or to provide any improvements.

(d) The land being conveyed is an undersized lot and may not be developed separately for residential or other purposes and, if applicable, must be merged with the contiguous land owned by the bidder. The deed of conveyance shall contain a restriction governing the subject property that, if applicable, neither it nor the property with which it is Consolidated shall thereafter be subdivided. The deed will also contain a further covenant that neither the purchaser nor any future owner or potential developer of the lot may ever in any manner, directly or indirectly, assert a claim against the Town of Hammonton based upon the inability to develop or use the lot including, but not limited to, a claim for inverse condemnation or damages of any kind.

(e) The Town makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, known or unknown, regarding said lands. The bidder shall be responsible for the exercise of due diligence in determining the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of the land.

10. The Town Clerk, the Mayor and the Town Attorney are authorized to prepare and execute any and all documents necessary and to take any and all such actions as may be required to effect the transaction set forth herein.

11. Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser's attorney, real estate agent or broker or other duly authorized representative. However, no commission shall be paid by the Town of Hammonton to any real estate agent or broker or other representative in connection with any sale.

12. The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws and ordinances of the State of New Jersey and the Town of Hammonton.

13. All potential sales are subject to final approval by Town Council. This includes the right of Town Council to remove a property from the sale list at any time and to terminate any sale up to the time of the issuance of a deed to the purchaser. If terminated, any monies paid by a successful bidder will be refunded.

14. The Town reserves the right to waive any and all defects, informalities and irregularities in any bid. The Town further reserves the right to reject all bids in each instance where the highest bid is not accepted and to, in its discretion, re-advertise the property for sale. No bid shall be considered finally accepted until confirmed by Town Council.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

Motion by Council Person Gribbin Second Oliva
Public Hearing on Ordinance 19-2023

Motion by Council Person Wuillermin Second R. Rodio
Adopt Ordinance and approval for final publication

Roll Call:

Councilperson:

Furgione - Yes

Gribbin - Yes

Oliva - Yes

R.Rodio - Yes

S. Rodio – Yes

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Other items of discussion

Resolution #124-2023- Approve Green event Change of location from previous resolution adopted

RESOLUTION AUTHORIZING, ENDORSING AND REPLACING
RESOLUTION #114-2023
HAMMONTON GREEN DAY FESTIVAL

WHEREAS, Hammonton's Green Committee and MainStreet Hammonton have promoted and continue to promote the Town of Hammonton with scheduled events in the Town of Hammonton; and

WHEREAS, these organizations have forged positive relationships with other key organizations and institutions in Hammonton, particularly the Hammonton Education Foundation, Saint Joseph Academy, the Hammonton Lions Club, and the Hammonton High School Green Earth Club, and

WHEREAS these positive working relationships have helped to establish the annual Green Festival as an eagerly-anticipated staple among Hammonton's annual celebrations, and

WHEREAS, Mayor and Council have and continue to support the efforts of these organizations to promote the Town of Hammonton and particularly their efforts at ensuring the environmental, economic, and cultural sustainability of the Town,

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that the Town of Hammonton authorizes and endorses the Hammonton Green Day Festival to held at Veterans Park on Saturday November 4, 2023 from 12 -4 pm with a rain date of Sunday November 5, 2023 from 1pm to 5pm and Road Closure of School House Lane:

BE IT FURTHER RESOLVED that the Town of Hammonton will provide municipal services required for this event including police assistance if required.

Motion by Council Person Oliva Second Gribbin
Resolution #124 is approved

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Yes

R. Rodio- Yes

S. Rodio – Yes

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PUBLIC HEARD

No one desired to be heard

MEETING ADJOURNED

Motion by Council Person Gribbin Second Oliva